

# Cambodia

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## Freedom of the Press

Press freedom in Cambodia remained under threat during 2013. Legal and physical crackdowns on journalists in recent years have left a chilling effect felt throughout the media community. Along with ongoing control of nearly all media outlets in the country, these obstacles continued to limit a free press during the year, including the ability to freely cover national elections held in July.

Laws regulating the media are vaguely written and unevenly applied. Article 41 of the 1993 constitution guarantees the right to free expression and a free press. However, a 1995 press law prohibiting reports deemed threatening to political stability is susceptible to arbitrary enforcement, and media personnel are often prosecuted under provisions of the penal code. The 2010 penal code, which replaced an older version established by the UN Transitional Authority in Cambodia, criminalizes defamation, which includes written criticism of public officials or institutions. Those convicted of defamation face a potential fine of 10 million riels (\$2,500); individuals convicted of “insult to public officials or institutions” may serve a prison sentence of up to six days and receive a fine of up to 1,000 riels. The government uses defamation and other criminal charges to intimidate journalists, and the courts lack independence, as most judges are closely tied to the ruling Cambodian People’s Party (CPP). Cases sometimes linger for years, and individuals may be charged arbitrarily or through the retroactive application of new laws. In early December 2013, the Ministry of Defense announced that it was preparing to sue the opposition-affiliated newspaper *Moneaksekar Khmer* after it reported that opposition leader Kem Sokha had accused Prime Minister Hun Sen of using the military to illegally garner votes in the July elections.

In March, a small victory was registered when an appeals court ordered the release of veteran radio journalist Mam Sonando, owner of the independent Beehive Radio, following intense local and international pressure. Sonando, 71, had been serving a 20-year sentence on charges of insurrection against the state for his station’s coverage of a forced government land eviction in 2012 that ended in the shooting death of a 14-year old girl by the military. Though Sonando was acquitted of the more serious insurrection charges, he was convicted of a lesser charge of “illegal logging” under the Forestry Law and given a suspended sentence of four years and four months, making him vulnerable to re-arrest until 2016.

In June, amid a tightly contested national election campaign, the National Assembly passed the hastily drafted Law Against Non-Recognition of the Crimes Committed During the Democratic Kampuchea Period, following a deeply flawed legislative process, during which opposition delegates were not present. The law, a political move to discredit opposition leader Kem Sokha, punishes individuals who question crimes committed during the Khmer Rouge era with hefty fines and up to two years’ imprisonment. Press organizations remain concerned about two draft laws threatening to further undermine press freedom in Cambodia. The National Information Communications Technology Development Authority is drafting a cyber-crime law that, according to activists, could limit internet freedom under the pretense of national security and e-commerce concerns. Meanwhile, the highly criticized Law on Associations and Nongovernmental Organizations, expected to fetter the work of grassroots and non-governmental organizations, including media outlets, remained in draft form by year’s end. The government had stated its intention to pass the law in the first half of 2014. Despite repeated opposition submission of an Access to Information Act to the National Assembly—including once in 2013—progress on freedom of information legislation remained stalled.

Licenses are required for broadcast media, and opposition outlets are consistently denied radio and television frequencies. International broadcasts like Radio Free Asia (RFA) and Voice of America (VOA), and local independent radio services such as Voice of Democracy and Beehive Radio—which are some of the major sources for Cambodians’ news—have come under threat in recent years. Weeks before national elections in June, the government ordered local radio stations to stop rebroadcasting foreign-produced Khmer-language radio content; the ban was reversed four days later following strong local and international pressure. The incident echoes a similar government directive to foreign outlets in 2012 to cease broadcasting prior to communal elections. In February 2013, the government-affiliated Cambodian Bar Association ordered lawyers not to speak with media personnel without first seeking its approval. Censorship of online content is also a growing concern. Despite low internet penetration rates, the government has become concerned with the internet’s potential as a medium for opposition voices. Access to independent websites such as KI-Media, as well as social-networking sites such as Facebook, is occasionally unavailable on some internet service providers.

Physical attacks on journalists in recent years have created a chilling effect throughout the media community. Self-censorship is common, as journalists covering sensitive topics such as land grabs and opposition protests are frequently subject to harassment and equipment seizures. In September 2013, seven journalists covering a peaceful land rights protest in Phnom Penh were attacked by masked assailants—along with many of the protesters—in full view of a military police unit monitoring the demonstrations. Impunity for crimes against media personnel is common. A Rattanakiri court in August acquitted two individuals accused of killing Hang Serei Odom, a journalist with *Virakchun Khmer Daily* found murdered in September 2012 after writing that the son of a military commander was involved in timber smuggling. The cases of the other 10 journalists murdered since 1993 all remain unsolved.

In Cambodia’s highly politicized media environment, most outlets are openly aligned with a political faction, leaving little space for balanced views and journalism conducted in the public interest. This imbalance featured prominently in the national elections, with little local language television coverage of the major opposition protests throughout the year. The majority of the approximately 20 Khmer-language newspapers in operation are owned by individuals associated with or sympathetic to the ruling party. Editors and owners of opposition-aligned outlets are often pressured financially or legally to close their publications, and few active opposition newspapers remain. A few English-language publications, including the *Cambodia Daily* and the *Phnom Penh Post*, continue to operate.

All 11 television and nearly all 160 radio stations—the main sources of information for the two-thirds of the population who are functionally illiterate—are owned or controlled by either the CPP or Hun Sen’s family and associates. Cambodia’s poor economy presents further financial challenges to opening and operating independent media institutions. Due to the low literacy rate and the difficulties of maintaining distribution networks, print media are often unable to attract enough advertising to be financially sustainable. Journalists’ pay is very low, and accepting bribes to run or withhold particular stories is not uncommon.

Owing to infrastructural and economic constraints, only 6 percent of the population accessed the internet in 2013. Directives issued by government in 2012 have restricted the permissible locations for internet cafés and circumscribed the activities of users. Café owners are now required to register users and maintain surveillance on all internet activity. Nevertheless, online news and commentary, as well as social media use, have been increasing in recent years and offer a space for greater diversity of views.

## 2014 Scores

### Press Status

Not Free

## **Press Freedom Score**

**(0 = best, 100 = worst)**

66

## **Legal Environment**

**(0 = best, 30 = worst)**

23

## **Political Environment**

**(0 = best, 40 = worst)**

24

## **Economic Environment**

**(0 = best, 30 = worst)**

19